

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number: 16113-1318001
<p>I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450.</p> <hr/> <p>Date of Deposit _____</p> <hr/> <p>Signature _____</p> <hr/> <p>Typed or Printed Name of Person Signing Certificate _____</p>	Application Number 10/750,180	Filed December 31, 2003
	First Named Inventor Vibhu Mittal	
	Art Unit 2178	Examiner Thu V. Huynh

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.

/Daniel J. Burns/

assignee of record of the entire interest.

Signature

See 37 CFR 3.71. Statement under 37 CFR 3.73(b)
is enclosed. (Form PTO/SB/96)

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February 9, 2010

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

<input checked="" type="checkbox"/> Total of 1 forms are submitted.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Vibhu Mittal Art Unit : 2178
Serial No. : 10/750,180 Examiner : Thu V. Huynh
Filed : December 31, 2003 Conf. No. : 4999
Title : GENERATING HYPERLINKS AND ANCHOR TEXT IN HTML AND NON-
HTML DOCUMENTS

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

This request for review accompanies Applicant's Notice of Appeal under the PTO's OG Notice of 12 July 2005. Panel review is required because the rejections here are based on plain legal errors. We address one primary error below that applies to all of the pending claims.

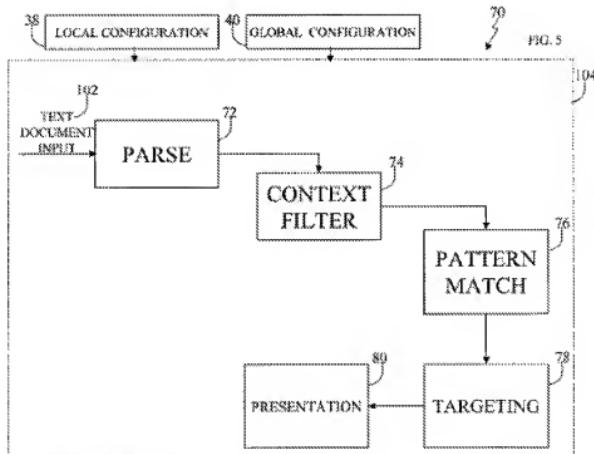
Claims 1, 3-10, 11, 13-19, 20, and 22-30 are pending; claims 1, 11, and 20 are the independent claims. The claims have been rejected as being obvious in view of Goodisman (US 2002/0069223) and Golovchinsky (US 2004/0078757). The arguments in this Request turn on plain legal errors.

Legal Error: Ignoring the Requirement of Deriving the Text Reference Based on a Statistical Model of at least one of Text Formatting and Lexical Cues

It is plain legal error to read a feature entirely out of a claim, or to ignore a feature positively recited in a claim. *See Pause Technology LLC v. Tivo Inc.*, Docket No. 04-1263, at 15-16 (Fed. Cir. Aug. 16, 2005) (rejecting claim construction that would ignore claim term "predetermine"); *Maxwell v. J. Baker, Inc.*, 86 F.3d 1098, 1105 (Fed. Cir. 1996) (refusing to adopt a claim construction that would ignore a claim limitation); *Texas Instruments Inc. v. United States Int'l Trade Comm'n*, 988 F.2d 1165, 1171 (Fed.Cir.1993) ("[T]o construe the claims in the manner suggested by TI would read an express limitation out of the claims. This we will not do....").

The examiner here has improperly read out of all the pending claims the requirement of determining locating a text reference in a source document, wherein locating the text reference

comprises deriving the text reference based on a statistical model of at least one of text formatting and lexical cues. The examiner asserted that Goodisman disclosed deriving the text reference based on a statistical model of at least one of text formatting and lexical cues since Goodisman discloses "parsing the document based on the type of input document." However, the relied upon portion of Goodisman merely describes "parsing techniques" rather than the use of a statistical model.



As shown above in FIG. 5 from Goodisman, the linkify engine 104 receives a document 102 as input and processes the document using a parser 72 and a pattern matcher 76, neither of which disclose the use of a statistical model. In contrast, the parser 72 parses the document 102 into blocks based on one or more parsing techniques. See [0053]. For example, the parser 72 can divide the document 102 based on document format elements including HTML or XML tags, or textual elements including sentences, questions, line breaks, spaces, hyphens, dashes, strings of digits, strings of letters, groups of words, or images, icons, etc. *Id.* The pattern matcher 76 establishes relationships between the blocks. *Id.* Like the parser 72, the pattern

matcher 76 also does not disclose use of a statistical model. Rather, the pattern matcher 76 can include a natural language processor or perform linguistic, keyword proximity, or word sequence analysis. *Id.*

Golovchinsky also fails to describe use of a statistical model in any capacity.

In the Response to Arguments of the Final Office Action dated December 8, 2009, the examiner stated the following:

This is not persuasive. Goodisman teaches locating the text reference in a document (Goodisman, [0052]; dividing the document into text blocks using a parser). Goodisman also teaches parsing the document into text blocks based on format elements including HTML or XML tags, or textual elements including sentences, questions, line breaks, spaces, hyphens, dashes, strings of digits, strings of letters, groups of words, or images, icons, etc. (Goodisman, [0053]). Therefore, when the parser receives different document format elements and/or textual elements in the document, different text blocks are located based on the computation of the parser (statistical model).

It appears in the above-quoted text that the examiner is equating a statistical model with the parser in Goodisman. However, this conclusion is entirely unsupported by the cited art. In sum, the examiner has failed to address the actual requirements of the claims and read a clear and fundamental limitation out of the claims—a plain legal error.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: February 9, 2010 _____

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